

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ANTHONY LAVERN CHALMERS,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:05cv00448
	)	1:01cr127-1
UNITED STATES OF AMERICA	)	
	)	
Respondent.	)	
	)	

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ORDER ADOPTING MAGISTRATE JUDGE'S RECOMMENDATION

On September 6, 2005, Magistrate Judge Russell A. Elias filed his Recommendation [Doc. # 6 in 1:05cv00448] that Respondent's Motion to Dismiss [Doc. # 3 in 1:05cv00448] be granted, Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence [Doc. # 1 in 1:05cv00448 and Doc. # 17 in 1:01cr127-1] be denied, and Judgment be entered dismissing this action. Also on September 6, 2005, the parties were mailed notification of the Recommendation filing. Petitioner Anthony Lavern Chalmers timely filed an Objection to the Recommendation on September 26, 2005 [Doc. # 8 in 1:05cv00448]. Respondent the United States of America did not file a response.

The Court has reviewed de novo the Recommendation of the Magistrate Judge and adopts that Recommendation. Thus, for the reasons set out in the Recommendation, the Respondent's Motion to Dismiss [Doc. # 3 in 1:05cv00448]

is GRANTED and Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. # 1 in 1:05cv00448 and Doc. # 17 in 1:01cr127-1] is DENIED.

This the 23<sup>rd</sup> day of October, 2007.

/s/ N. Carlton Tilley, Jr.  
United States District Judge